

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

STEPHEN R. WILSON ET AL.

Serial No.: 10/822,644

Filed: April 12, 2004

For: FULLERENE COMPOSITIONS FOR
AMELIORATING DERMATOLOGICAL
CONDITIONS

Confirmation No.: 1907

Group Art Unit: 4173

Examiner: Kyle A. Purdy

Attorney Docket: 4451.002200/RFE

CUSTOMER NO. 23720

**PETITION TO FILE COLOR DRAWINGS
UNDER 37 CFR 1.84(a)(2) AND/OR 37 CFR 1.84(b)(2)**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.84(a)(2), and, to the extent it may be applicable, 37 CFR 1.84(b)(1), Applicants petition to request that the color drawings submitted herewith be accepted for Figure 1. Color copies of the drawings for this Figure are filed in triplicate.

Applicant submits that drawings standards applicable to black and white drawings would impair the clarity of Applicants' description to the detriment of the general public. Many of the elements in Figure 1 are not readily identifiable with reference numerals and their accurate identification is of keen interest to the invention. The best and clearest way to convey an operation of the invention, then, is to employ color in the manner evidenced by the drawings of Figure 1 submitted herewith.

The drawings are in a PDF document prepared by conversion of a prior copy of the drawings which existed in an image format and were generated by photography. Therefore, the

requirements of 37 CFR 1.84(b)(1) may also apply to the drawings. Applicants submit the drawings generated by photography are the only practicable medium for illustrating an embodiment and operation of the claimed invention and thus, if the requirements of 37 CFR 1.84(b)(1) are applicable, the drawings meet them.

Applicants note that the statutory requirements of 35 U.S.C. § 112 can be met in this case regardless of whether a color drawings of Figure 1 are accepted. The rule does not define the context in which the color drawing is “necessary,” and Applicants do not construe the term to mean necessary to meet the statutory requirements. As the Manual of Patent Examining Procedure notes, a decision on this petition is not a decision on whether a color drawing is necessary to meet the statutory requirements. MPEP § 608.02. The statutory requirements would be met even if a black and white copy of Figure 1 is submitted.

The director is authorized to deduct the fee under 37 CFR §§ 1.16 to 1.21 for filing drawings in color from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4451.002200RE.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
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December 5, 2007

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